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INSURANCE DEPARTMENT  
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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
DALLMER ADJUSTERS, INC.	:	63 P.S. §§1602(a), 1606(a)(11),
1023 Bristol Pike	:	and 1606(a)(13)
Bensalem, PA 19020	:	
	:	
	:	
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	:	
Applicant.	:	Docket No. CO19-02-012

CONSENT ORDER

AND NOW, this 4th day of June, 2019, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Applicant hereby admits and acknowledges that it has received proper notice of its rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.
2. Applicant hereby waives all rights to a formal administrative hearing in this matter, and agrees that this Consent Order, and the Findings of Fact and Conclusions of Law contained herein, shall have the full force and effect of an Order

duly entered in accordance with the adjudicatory procedures set forth in the Administrative Agency Law, supra, or other applicable law.

### FINDINGS OF FACT

3. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Applicant is Dallmer Adjusters, Inc., and maintains its address at 1023 Bristol Pike, Bensalem, PA 19020.
- (b) Applicant does not currently possess an active resident public adjuster agency license.
- (c) Applicant failed to renew its resident public adjuster agency license when it expired on September 17, 2017.
- (d) Applicant, on September 28, 2009, entered into a Consent Order with the New Jersey Department of Banking and Insurance and was fined \$500.00 for its failure to notify them of changes to its sublicensees.

- (e) Applicant, on September 16, 2010, completed a Pennsylvania Insurance Department license application and failed to disclose the September 28, 2009 New Jersey Consent Order, resulting in the issuance of a license by the Department.
  
- (f) Applicant, on August 24, 2012, completed a Pennsylvania Insurance Department license renewal. Applicant failed to disclose the September 28, 2009 New Jersey Consent Order on this license renewal. The renewal was approved by the Department based on incorrect, misleading, and incomplete information provided by the applicant.
  
- (g) Applicant, on November 25, 2014, entered into a second Consent Order with the New Jersey Department of Banking and Insurance and was fined \$2,500.00 for failing to report on an August 2010 New Jersey application that the agency's Qualified Active Officer entered into a Pennsylvania Consent Waiver on June 11, 2008. The New Jersey Consent Order also asserted that the applicant utilized an unlicensed individual to negotiate, sell or solicit a public adjuster's contract and/or services with a New Jersey insured in January 2013 and utilized a public adjuster's service contract in January 2013 that did not comply with New Jersey insurance laws and regulations.

- (h) Applicant, on September 16, 2015, completed a Pennsylvania Insurance Department license renewal. Applicant failed to disclose the November 25, 2014 New Jersey Consent Order. The renewal was approved by the Department based on incorrect, misleading, and incomplete information provided by the applicant.
- (i) Applicant, on January 11, 2018, completed a Pennsylvania Insurance Department license application due to being expired since September 17, 2017, and failed to disclose the November 25, 2014 New Jersey Consent Order.
- (j) Applicant failed to report the New Jersey administrative actions cited in findings 3(e) and 3(g).
- (k) Applicant, as of May 23, 2018, had its application for licensure identified in 3(h) denied by the Pennsylvania Insurance Department. The denial was based on the Respondent's failure to report other state's administrative actions and that each officer of the corporation did not hold an individual public adjuster license.
- (l) Applicant, on October 5, 2018, provided the Pennsylvania Insurance Department with copies of Dallmer Adjusters, Inc. contracts. These contracts were written between September 25, 2017 and September 20,

2018. All 94 of these contracts were written after Dallmer Adjusters, Inc's Pennsylvania Resident Public Adjuster agency license had expired on September 17, 2017.

#### CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Insurance Department concludes and finds the following Conclusions of Law:
  - (a) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
  - (b) 63 P.S. § 1602(a) states no person shall, directly or indirectly, act within the Commonwealth as a public adjuster without first procuring from the Insurance Commissioner a license as a public adjuster.
  - (c) Respondent's activities in paragraph 3(l) violate 63 P.S. § 1602(a).
  - (d) 63 P.S. §1606(a)(11) states that committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's license: ... (11) Making a material misstatement in the application for any such license.

- (e) Applicant's activities described above in paragraphs 3(e), 3(f), 3(h), and 3(i) violate 63 P.S. §1606(a)(11).
- (f) 63 P.S. §1606(a)(13) prohibits a public adjuster from demonstrating incompetence or untrustworthiness to transact the business of a public adjuster.
- (g) Applicant's activities in paragraphs 3(d) through 3(l) violate 63 P.S. §1606(a)(13).
- (h) Respondent's violations of §§1602(a), 1606(a)(11) and 1606(a)(13) are punishable by a fine, suspension and revocation of licenses under §1606(a) and the following, under 63 P.S. § 1606(b): the Insurance Commissioner may impose a penalty of not more than \$5,000 for every violation of this Act.

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and upon licensure, Respondent consents to the following:

- (a) Applicant shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
  
- (b) Applicant shall pay a civil penalty of Five Thousand Dollars (\$5,000.00) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania. Payment should be directed to Bureau of Licensing and Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. Payment may be enclosed with the Consent Order, but must be paid in any event no later than fourteen (14) days after the date of the Consent Order.
  
- (c) Applicant's licenses may be immediately suspended by the Department following its investigation and determination that (i) any terms of this Order have not been complied with, or (ii) any confirmed complaint against Applicant is accurate and a statute or regulation has been violated. The Department's right to act under this section is limited to a period of ten (10) years from the date of this Order.
  
- (d) Applicant specifically waives its right to prior notice of said suspension, but will be entitled to a hearing upon written request received by the Department no later than thirty (30) days after the date the Department mailed to Applicant by certified mail, return receipt requested, notification

of said suspension, which hearing shall be scheduled for a date within sixty (60) days of the Department's receipt of Applicant's written request.

- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that it is worthy of a license.
- (f) In the event Applicant's licenses are suspended pursuant to paragraph 5(c) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that it is worthy of a license, Applicant's suspended licenses shall be revoked.

6. In the event the Insurance Department find that there has been a breach of any of the provisions of this Order, based upon the Findings of Fact and Conclusions of Law contained herein, the Department may pursue any and all legal remedies available, including but not limited to the following: The Department may enforce the provisions of this Order in an administrative action pursuant to the Administrative Agency Law, supra, or other relevant provisions of law; or, if applicable, the Department may enforce the provisions of this Order in any other court of law or equity having jurisdiction.

7. Alternatively, in the event the Insurance Department finds there has been a breach of any of the provisions of this Order, the Department may declare this Order

to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.

8. In any such enforcement proceeding, Applicant may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

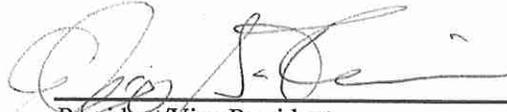
9. Applicant hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violations of

law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or duly authorized delegee.

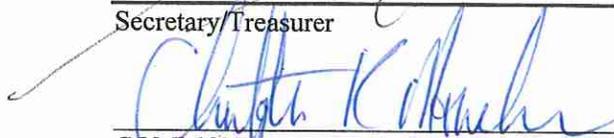
BY: DALLMER ADJUSTERS, INC., Applicant



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President/Vice President



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Secretary/Treasurer

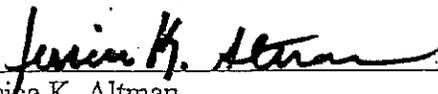


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COMMONWEALTH OF PENNSYLVANIA  
By: CHRISTOPHER R. MONAHAN  
Deputy Insurance Commissioner

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The  
Administrative Code of 1929

AND NOW, this 28<sup>th</sup> day of March, 2018, Christopher R. Monahan,  
Deputy Insurance Commissioner, is hereby designated as the Commissioner's duly  
authorized representative for purposes of entering in and executing Consent Orders. This  
delegation of authority shall continue in effect until otherwise terminated by a later Order  
of the Insurance Commissioner.

  
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Jessica K. Altman  
Insurance Commissioner

